SIKKIM

GOVERNMENT



GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

Gangtok

Wednesday 5th March, 2014

No. 103

LAW DEPARTMENT GOVERNMENT OF SIKKIM GANGTOK

No:135/LD/14

Date: 5/3/2014

NOTIFICATION

In exercise of the powers conferred by section 42 of the Sikkim Lokayukta Act, 2014 (6 of 2014), the State Government hereby makes the following rules, namely:-

Short title and commencement

- (1) These rules may be called the Sikkim Lokayukta Rules, 2014.
- (2) They shall come into force on the date of their publication in the Official Gazette.

Definition

- 2. (1) In these rules, unless the context otherwise requires;-
 - (a) "Act" means the Sikkim Lokayukta Act, 2014;
 - (b) "Authorized Officer" means an officer authorized by the Chairperson of the Lokayukta in this behalf;
 - (c) "Chairperson" means Chairperson of the Lokayukta;
 - (d) (i) "Inspector of Inquiry" means:
 - a Police Inspector requisitioned by the Lokayukta under sub-rule (1) of rule 4 and also includes the Inspector of Inquiry as may be appointed by the Chairperson under sub-rule (5) of rule 4;
 - (ii) "Sub-Inspectors of Inquiry and Assistant Sub-Inspectors of Inquiry" means:-
 - a Sub-Inspector of Police or Assistant Sub-Inspector of Police requisitioned under the proviso to sub-rule (2) of rule 4 and includes Sub-Inspector of Inquiry and Assistant Sub-Inspector of Inquiry appointed under sub-rule (5) of rule4;
 - (e) "Lokayukta" means Lokayukta established under section 3 of the Act;

- (f) "Public Prosecutor" means Public Prosecutor and Additional Public Prosecutor appointed under section 24 of the Code of Criminal Procedure, 1973 and requisitioned by the Lokayukta under sub-rule (1) of rule 5;
- (2) Words and expressions used in these rules and not defined but defined in the Act shall have the meaning respectively assigned to them in the Act.

Appointment 3. of Secretary to the Lokayukta

- (1) The State Government shall recommend a panel of names for appointment of Secretary to the Lokayukta.
- (2) The Chairperson of the Lokayukta on receipt of the names recommended by the State Government shall issue order of appointment of such person whom he considers appropriate having requisite knowledge and experience of judicial administration.
- (3) The Secretary on being appointed by the Chairperson will be under the administrative control of the Chairperson during the period the Secretary holds the office.
- (4) The Secretary on being appointed to the Lokayukta may perform such duty/duties as may be assigned or as may be required to be performed from time to time.
- (5) The Secretary to the Lokayukta shall draw the same salary and allowances as was being drawn and would be eligible to enjoy the same amenities, allowances and other benefits and the pay scale as applicable to the officers of the equivalent rank and grade:

Provided that where the Secretary is a retired person, he shall draw the salary of his grade he was drawing last minus the pension. The tenure of his service shall be such as may be prescribed by the Chairperson of the Lokayukta in this regard:

Provided further where an official higher in rank to that of Secretary is appointed as Secretary he shall continue to receive the same salary, allowances and other benefits as applicable to such officials of higher grade. The salary, allowances and other benefits of the Secretary should not be reduced below the amount he was receiving in the higher grade prior to his joining as Secretary to the Lokayukta.

- (6) Where an official holding a higher grade and rank to that of Secretary is appointed as Secretary to the Lokayukta, he may be designated in such manner as may be considered appropriate to protect his higher grade and rank.
- (7) The condition of service, pay, allowances and other entitlement of the Secretary shall be such as may be prescribed by the Chairperson of the Lokayukta.

Appointment of Inspector of Inquiry

- (1) The State Government shall make available to the Lokayukta a panel of names of Police Inspectors for the purpose of selection and appointment as Inspector of Inquiry on being requisitioned by Lokayukta as such.
- (2) Where the Lokayukta has made a requisition for specific number of Inspectors of Police for the purpose of appointment of Inspector of Inquiry, the State Government while forwarding the panel of names shall include the names of sufficient numbers of Inspectors of Police or at least double the number of Inspectors of Police sought in requisition:

Provided that where in the requisition of the Lokayukta, officers in the rank below that of Inspector of Police i.e. Sub-Inspector of Police and Assistant Sub-Inspector of Police have also been indicated, the State Government in such cases shall also forward a panel of names of Sub-Inspectors of Police and Assistant Sub-Inspectors of Police as the case may be fulfilling the criteria of experience and qualification as stipulated in this regard.

(3) The Inspectors of Police or Sub-Inspectors of Police or Assistant Sub-Inspectors of Police as the case may be on being appointed as Inspectors of Inquiry, Sub-Inspectors of Inquiry, and Assistant Sub-Inspectors of Inquiry in the Lokayukta will be governed by the rules and regulations of the Lokayukta during the period of their service:

Provided that the period of service rendered with the State Government shall continue to be counted for all purposes both during and after the completion of tenure of service with the Lokayukta.

(5) Where the Inspector of Police or the Sub-Inspector of Police or Assistant Sub-Inspector of Police as the case may be has completed his tenure, he shall be reverted back to the parent department and the period of his tenure in the Lokayukta shall form part of his service:

Provided that Lokayukta may also seek extension of tenure of service of the Inspectors of Police or the Sub-Inspectors of Police or Assistant Sub-Inspectors of Police as the case may be for such period as may be requisitioned and in such event, the Inspectors of Police or the Sub-Inspectors of Police or Assistant Sub-Inspectors of Police shall continue in the Lokayukta for the additional period sought by the Lokayukta.

- (6) The Lokayukta may also appoint such number of Inspectors of Inquiry or the Sub-Inspectors of Inquiry or Assistant Sub-Inspectors of Inquiry as the case may be by holding competitive examination and interview as may be prescribed.
- (7) The condition of service of Inspectors of Inquiry or the Sub-Inspectors of Inquiry or Assistant Sub-Inspectors of Inquiry shall be such as may be prescribed by the Chairperson of the Lokayukta.

Appointment 5 of Public Prosecutor

(1) The State Government shall make available to the Lokayukta such number of Public Prosecutors or Additional Public Prosecutor as may be requisitioned

- (2) During the period the Public Prosecutor is deputed to the Lokayukta by the State Government, he shall continue to draw the same salary and allowances as he was drawing immediately before such posting and shall remain under administrative control of the Lokayukta. On completion of his tenure his services shall stand transferred to the State Government.
- (3) The condition of service and other entitlement i.e. fees, salary and allowances as the case may be for the Public Prosecutor and Additional Public Prosecutor shall be such as may be prescribed by the Chairperson of the Lokayukta.

Officers and Staff

- 6. (1) The Lokayukta shall have such numbers of officers and staff as may be required for effectively running the establishment.
 - (2) The number of posts, and the qualification required for such post, the scale of pay, allowances and other benefits including mode of recruitment for the post shall be such as may be prescribed by the Chairperson of the Lokayukta.
 - (3) The Chairperson shall be the competent authority for the purpose of recruitment to Lokayukta. All disciplinary matters, conduct rules or other rules and regulation as applicable to staff and officers shall be such as may be prescribed by the Chairperson of the Lokayukta.

Administration 7. of Lokayukta

- (1) The Chairperson of the Lokayukta shall prescribe the detailed procedure in respect of mode and manner of inquiry on receipt of a complaint, procedure regarding submission of inquiry report including process of taking steps in terms of orders, if any on the report.
- (2) Where the Lokayukta proposes to institute a case or file prosecution, the procedure in such cases shall also be prescribed by Chairperson of the Lokayukta.
- (3) Any other matter connected with a complaint or inquiry or investigation or prosecution or attachment of property or confiscation or seizure of records or its release shall be dealt with as per the procedure as may be prescribed by the Chairperson of the Lokayukta.

Inquiry or Investigation

- 8. (1) Where the Lokayukta has ordered an Inquiry or Investigation under section 14 of the Act by an agency in the State, in such cases, the direction of the Lokayukta shall be carried out by the said agency. While carrying out the direction it will coordinate with the Lokayukta for the purpose of Investigation or Inquiry as the case may be and submit periodic status report to the Lokayukta before completion of investigation within the period stipulated in the direction.
 - (2) Where the agency while inquiring or investigating into a matter needs an additional time to complete the process, it shall seek the additional time for the said purpose to complete the inquiry or investigation.

Supervision

9. Where the Lokayukta issued direction to an investigating agency in respect of a matter which is the subject matter of the Prevention of Corruption Act, 1988, the agency on being directed by the Lokayukta shall conduct the investigation under the supervision and direction of the Lokayukta in respect of the matter which is the subject matter of the investigation ordered by the Lokayukta.

Order to officers 10.

Where the Lokayukta has issued direction to an officer of an investigating agency in the State under sub-section (1) of section 22, the said officer shall thereon carry out the direction after duly coordinating with the Lokayukta and the status of inquiry or investigation shall be informed to the Lokayukta from time to time and receive such instruction as may be issued by the Lokayukta in this regard.

Attachment

Where an investigating officer during investigation in a matter has reasons that there is a need for attachment of a property which is being investigated by him on being ordered as such by the Lokayukta, he shall cause attachment of the same as per procedure with prior information to the Lokayukta in this regard.

Notifications

The State Government may from time to time issue notification to deal with any matter for effective implementation of provisions of the Act.

Submission 13. of return

11.

12.

The Lokayukta shall prepare an annual report of its work carried out during the year and forward the same to the Nodal Department for laying the same in the Sikkim Legislative Assembly or it may forward the same to the Sikkim Legislative Assembly for the purpose of laying the same and in such cases a copy of the report shall also be forwarded to the Nodal Department.

Nodal Department 14.

The Law Department shall be the Nodal Department for the purpose of dealing with the Lokayukta of the State of Sikkim.

Mrs. Lakchung Sherpa, SSJS L.R-cum-Secretary Law Department.

File No. 16(379)LD/2014

